

REMARKS

Summary of the Office Action

Claims 1-12 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by JP 05-142880 to Nobuhiro (hereinafter “Nobuhiro”).

Claims 16-18 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,798,997 to Hayward et al. (hereinafter “Hayward et al.”).

Claims 13-15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nobuhiro in view of Hayward et al..

Summary of the Response to the Office Action

Applicants have amended independent claims 1, 9 and 16-18 by substantially incorporating the features of claim 4 into each of claims 1, 9 and 16-18. Also, Applicants have canceled claim 4 without prejudice or disclaimer and have amended claim 3 to correct a typographical error. Accordingly, claims 1-3 and 5-18 remain pending in this application for further consideration.

Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1-12 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Nobuhiro, claims 16-18 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Hayward et al., and claims 13-15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nobuhiro in view of Hayward et al.. To the extent that these rejections might still apply to the newly amended claims, they are respectfully traversed as being based upon

references that neither teach nor suggest the novel combination of features now clearly recited in the claims.

With regard to independent claims 1 and 9, as newly-amended by substantially incorporating claim 4 into each claims, Applicants respectfully submit that Nobuhiro does not teach or suggest the claimed combination, including at least the recited feature of “the control information stored in the memory part is capable of being updated while the detachable unit is detached from the image forming apparatus main member.”

The Office Action appears to allege that Nobuhiro discloses each and every feature of independent claims 1 and 9 by citing to Abstract of Nobuhiro, and that Hayward et al. discloses each and every feature of independent claims 16-18 by citing to FIG. 8 and col. 4, lines 56-67 of Hayward et al. However, Applicants respectfully submit that neither Nobuhiro nor Hayward et al. anticipates the present invention of independent claims 1 and 9. Applicants respectfully submit that none of the applied references teaches or suggests at least the feature of “the control information stored in the memory part is one that is capable of being updated under a state where the detachable unit is not mounted on the image forming apparatus main member,” as recited by claim 4.

The Office Action at Page 2, Section 2 notes that “Nobuhiro et al further disclose ..., the control information stored in the memory part is capable of being updated **when mounted** (Para. 0033).” (Emphasis Added). However, paragraph [0033] of Nobuhiro merely discloses that the information proper to a fixing unit 41 stored in a memory 49 can be read out by an CPU 51 of a main body 10, thereby performing corresponding control operation. Applicants respectfully

submit that this disclosure of Nobuhiro only shows that the CPU 51 can fetch the information from the fixing unit 41 and does not show how the information for the fixing unit 41 is updated. Further, as noted by the Office Action, Nobuhiro discloses that the control information stored in the memory part is capable of being updated **when mounted**. Applicants respectfully submit that Nobuhiro is completely silent, and neither teaches nor suggests, that the information can be updated while a detachable unit is **not** mounted on an image forming apparatus main member.

The Office Action does not rely upon Hayward et al. to cure any aspect of the above-discussed deficiencies of Nobuhiro. Also, Applicants respectfully submit that Hayward et al. cannot remedy the deficiencies of Nobuhiro.

For at least the reasons as those set forth above, Applicants respectfully submit that Hayward et al. does not teach or suggest a claimed combination including at least a feature of “the control information is transmitted to a detachable unit detachable to the image forming apparatus and is capable of being updated while the detachable unit is detached from the image forming apparatus,” as recited by newly-amended independent claim 16.

Also at least the reasons as those set forth above, Applicants respectfully submit that Hayward et al. does not teach or suggest a claimed combination including at least a feature of “the control information is transmitted to a detachable unit detachable to the image forming apparatus and is capable of being updated while the detachable unit is detached from the image forming apparatus,” as recited by newly-amended independent claim 17.

Also at least the reasons as those set forth above, Applicants respectfully submit that Hayward et al. does not teach or suggest a claimed combination including at least a feature of “the control information stored in the memory part is capable of being updated while the

detachable unit is detached from the image forming apparatus," as recited by newly-amended independent claim 18.

Accordingly, Applicants respectfully assert that the rejections of independent claims 1, 9 and 16-18 under 35 U.S.C. §§ 102(b) and 102(e) should be withdrawn because the applied references do not teach or suggest each and every feature of newly-amended independent claims 1, 9 and 16-18. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicants respectfully assert that the rejections of dependent claims 2-8 and 10-15 should also be withdrawn at least because of their respective dependencies upon newly-amended independent claims 1 and 9, and the reasons set forth above.

Since Applicants have canceled claim 4 without prejudice or disclaimer, the rejection of claim 4 becomes moot. With no other rejection pending, Applicants respectfully submit that claims 1-3 and 5-18 are in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants earnestly solicit the issuance of a Notice of Allowability. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Dated: June 7, 2005

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